

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ABC MEDICAL HOLDINGS, INC., and
ABC HOME MEDICAL SUPPLY, INC.,
Plaintiffs,**

v.

**HOME MEDICAL SUPPLIES, INC., and
RICK MODDERMAN,
Defendants.**

CIVIL ACTION

NO. 15-2457

ORDER

AND NOW, this 5th day of October, 2015, upon consideration of Defendant Home Medical Supplies, Inc.'s ("HMS") Motion to Transfer Venue for the Convenience and Availability of Third Party Witnesses or to Dismiss for Lack of Personal Jurisdiction (Document No. 17, filed July 17, 2015), Plaintiffs' Memorandum of Points and Authorities in Opposition to Motion of Defendant HMS to Transfer Venue or to Dismiss for Lack of Personal Jurisdiction (Document No. 23, filed August 13, 2015), and Defendant Home Medical Supplies, Inc.'s Reply Brief in Support of the Motion to Transfer Venue or Dismiss for Lack of Personal Jurisdiction (Document No. 26, filed August 21, 2015), for the reasons set forth in the accompanying Memorandum dated October 5, 2015, **IT IS ORDERED** that defendant's Motion is **GRANTED** in part and **DENIED** in part as follows:

- 1) That part of HMS's motion which seeks transfer of the claims against HMS to the United States District Court for the District of Colorado is **GRANTED** pursuant to 28 U.S.C. § 1406(a).
- 2) That part of HMS's motion which seeks dismissal of the claims against HMS for lack of personal jurisdiction is **DENIED** as moot.

IT IS FURTHER ORDERED that, in the interest of justice, the claims against defendant Rick Modderman are **TRANSFERRED** to the United States District Court for the District of Colorado pursuant to 28 U.S.C. § 1404(a).

IT IS FURTHER ORDERED that the Clerk of the United States District Court for the Eastern District of Pennsylvania shall send the complete file in this case to the United States District Court for the District of Colorado.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** this case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.